

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Case No. 08-42808

VINCE LOPICCOLA, and  
KELLIE LOPICCOLA,

Chapter 13

Judge Thomas J. Tucker

Debtors.

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**ORDER DISMISSING CASE**

On February 7, 2008, Debtors filed a joint voluntary petition for relief under Chapter 13. On February 8, 2008, Debtors each filed a "Certificate of Counseling" (Docket ## 12 and 13), which states that on February 8, 2008, Debtors received "an individual [or group] briefing that complied with the provisions of 11 U.S.C. §§ 109(h) and 111."

Debtors are not eligible to be debtors in this case under 11 U.S.C. § 109(h)(1). That provision provides in relevant part, that

an individual may not be a debtor under this title unless such individual has, during the 180-day period preceding the date of filing the petition by such individual, received from an approved nonprofit budget and credit counseling agency described in section 111(a) an individual or group briefing (including a briefing conducted by telephone or on the Internet) that outlined the opportunities for available credit counseling and assisted such individual in performing a related budget analysis.

Debtors received their credit counseling briefing the day *after* their petition was filed. With exceptions not applicable here, 11 U.S.C. § 109(h)(1) requires a debtor to obtain credit counseling *before* filing a bankruptcy petition.<sup>1</sup>

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<sup>1</sup> Although the docket entry at Docket # 4 indicates that Debtors filed a Certificate of Budget and Credit Counseling, the certificates attached to Docket # 4 are not credit counseling certificates; but rather are certificates of completion of the personal management course.

Accordingly,

IT IS ORDERED that this case is DISMISSED.

**Signed on March 28, 2008**

**/s/ Thomas J. Tucker**

**Thomas J. Tucker**

**United States Bankruptcy Judge**